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G. R. S. IX-5]

Previous references. 1893-94

191 .

File No. 28729.

Serial Nos.

Later references. (Mug)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Major ~~Post~~ B for June 94

SUBJECT.

prohibiting the Extension of the Existing Buildings towards the public Street in the Federal Road, Mysore City Municipality.

dered

Ramachandra Rao

28/9/1919

W D 1250—GPB—30,000 - 28-1-19

Read: Resolution of the
Municipal Board of Mysore
dated 26th May 1894 proposing
to grant licenses to house owners
in Yelwal Road to extend their
houses up to the public drain

Order thereon

In the resolution above read the Municipal Board propose to permit the extension of the existing buildings in Yelwal Road towards the public street on the ground that "a very large Sum would be required to acquire the costly and other buildings already abutting the side drain." Govt are concurred that such a retrograde resolution would never have ~~come to be passed~~ if the Municipal Board ~~shown themselves in fairly active to their duties towards the general public~~ and had exercised ordinary vigilance, ~~in the past in enforcing the ample powers~~ arisen in recent years in preventing encroachments

In the opinion of the Govt the action of the Munc. in exercising the powers vested in them

~~vested in them~~ under Section 116 of the Municipal Regulations Government further understand that several of the existing projections which abut the side drain are of recent origin subsequent to the introduction of the Regulation and it will now be the duty of the municipality to enquire whether these erections were authorised under Section 148 of the Regulation and to use their best endeavours to abate them under sections 113, 126 & 127 whichever may be applicable in each individual case.

~~For the future the Municipality will under no circumstances~~ permit upon the previous sanction of Govt any sort of Construction which will advance the frontage of a building towards the public street or drain and take precautionary measures against encroach

has been & still is very ~~is~~ under this section. No question of Can Govt arise power under the section regards extension of ~~the~~ ~~land~~ ~~and~~ ~~of this~~ or actively permitted encroachment upon land.

The mistaken & perpetuated as a Continuance Course of proper & public to give the first future

deliberately

XX The Munc. shall also

ments by special monthly
inspections of streets with
reference to street maps
prepared on purpose, and
periodical returns of the
results of such inspections
should be furnished to
Government once in three
months

3. In licenses issued under
section 113 of the Municipal
Regulation it should invaria
bly be laid down that
temporary structures allowed
under them shall be removed
within 15 days of their erectio

4 The resolution of the Board
under advertence is
hereby cancelled.

X be given away in the
manner the Trs shall
with during under such
Circs the Mayr, with
be requested not to
proceed without the
previous [illegible]
of the Gaol any part of
Construction which will
arrange the frontage of a building

towards a public Street
in the Case of Thoroughfare
Roads & Streets of which
a list will Ever be published
by the Mayr —— The Gel wait
Board shall in case of Them
X X

1894.

Government of Mysore.

Local Boards Branch - Municipal.

Proceedings

Dated Camp Mysore. 12th June 1894

Camp No. A.

L. F. 266-92.

Prohibiting the extension of the existing buildings towards the public street in the Yelwal Road, Mysore City Municipality.

Read :-

Resolution of the

Municipal Board of Ellypore

dated 26th May 1894 pro-

posing to grant licenses

to house-owners in Yel-

wal Road to extend

their houses up to the

Public drain

L 3655

Camp Ellypore

order thereon dated 12th June 1894

In the Resolution

above read the Municipal

Board propose to permit

the extension of the exist-

ing buildings in Yelwal

Road towards the public

Street on the ground —

that "a very large sum
"would be required to
"acquire the costly and
"other buildings already
"abutting the side drain"
Government are con-
-vinced that the occa-
sion for such a retro-
-grade resolution would
never have arisen if the
Municipality had in
recent years exercised
ordinary Vigilance in
preventing encroachments
In the opinion of the Govern-
ment the action of the
Municipality in exer-
-cising the Powers Vested
in them under Section 116

of the Municipal Regulations has been and still is very lax. Under this Section no question of ownership can ever arise. If in the past in a few particular cases the Municipality failed to show a proper regard for public interests and either omitted to exercise its power under the above section as regards extension of building over <u>private</u> unbuilt land or actively permitted such extension upon unbuilt land belonging to itself, the

mistakes of omission
and commission thus
perpetrated are no
ground for a continu-
-ance of the same in-
-regular course of ac-
-tion to the further-
detriment of proper-
Ventilation and con-
-Venience of public
traffic Section 120
is intended to give the
Municipality the power
to rectify past errors
of the kind in question
at some future time
and it must be obvious
therefore that its present

resolution deliberately to multiply such errors is opposed to every public interest

2. For the purpose of abating existing projections the Municipality have ample power — under Sections 126 and 127, and it will be — pointed out that as re- -gards encroachments made after the Municipal Regulations came into force no compensation is payable. The powers in question —

should of course be
exercised with due re-
-gard to their applica-
-bility under the law
to particular cases
under consideration

3. A large State ex-
-penditure has been in-
-curred in recent years
for the improvement of
the Mysore City generally
and specially for widen-
-ing streets and lanes
and it is most un-
-desirable that valuable
strips of land in front
of existing buildings in
a street should be given

away in the manner the Municipality have been doing. Under such circumstances the Municipality will be requested not to permit, without the previous sanction of the Government, any sort of construction — which will advance the frontage of a building towards a public street in the case of specified roads and streets of which a list will early be supplied to the Municipality The Yelwal Road should be one of them.

4. The Municipality should also take pre-cautionary measures against encroachments by special monthly inspections of streets with reference to street maps prepared on purpose.

5. In licenses issued under section 113 of the Municipal Regulation, it should invariably be laid down that temporary structures allowed under them shall be removed within a reasonable period not exceeding 40 days from

the date of their erection.

6. The prosecution of the Board under sub-section is hereby sanctioned.

Chief Secretary

To

The President of the
Mysore City municipality
Bangalore City Mty

Proceedings of the Government of His Highness the Maharaja of Mysore, (Local Boards Branch—Municipal),—dated 12th June 1894.

READ—

Resolution of the Municipal Board of Mysore, dated 26th May 1894, proposing to grant licenses to house-owners in Yelwal Road to extend their houses up to the public drain.

CAMP NO. A.—L. F. 266-92, DATED CAMP MYSORE, 12TH JUNE 1894.

ORDER THEREON,—In the Resolution above read the Municipal Board propose to permit the extension of the existing buildings in Yelwal Road towards the public street on the ground that "a very large sum would be required to acquire the costly and other buildings already abutting the side drain." Government are convinced that the occasion for such a retrograde resolution would never have arisen if the Municipality had in recent years exercised ordinary vigilance in preventing encroachments. In the opinion of the Government, the action of the Municipality in exercising the powers vested in them under Section 116 of the Municipal Regulations has been and still is very lax. Under this Section no question of ownership can ever arise. If in the past in a few particular cases, the Municipality failed to show a proper regard for public interests and either omitted to exercise its power under the above Section as regards extension of building over *private* unbuilt land or actively permitted such extension upon unbuilt land belonging to itself, the mistakes of omission and commission thus perpetrated are no ground for a continuance of the same irregular course of action to the further detriment of proper ventilation and convenience of public traffic. Section 120 is intended to give the Municipality the power to rectify past errors of the kind in question at some future time and it must be obvious therefore that its present resolution deliberately to multiply such errors is opposed to every public interest.

2. For the purpose of abating existing projections the Municipality have ample power under Sections 126 and 127, and it will be pointed out that as regards encroachments made after the Municipal Regulations came into force no compensation is payable. The powers in question should of course be exercised with due regard to their applicability under the law to particular cases under consideration.

3. A large State expenditure has been incurred in recent years for the improvement of the Mysore City generally and specially for widening streets and lanes and it is most undesirable that valuable strips of land in front of existing buildings in a street should be given away in the manner the Municipality have been doing. Under such circumstances the Municipality will be requested not to permit, without the previous sanction of the Government, any sort of construction which will advance the frontage of a building towards a public street in the case of specified roads and streets of which a list will early be supplied to the Municipality. The Yelwal Road should be one of them.

4. The Municipality should also take precautionary measures against encroachments by special monthly inspections of streets with reference to street maps prepared on purpose.

5. In licenses issued under Section 113 of the Municipal Regulation, it should invariably be laid down that temporary structures allowed under them shall be removed within a reasonable period not exceeding 40 days from the date of their erection.

T. ANANDA ROW,
Chief Secretary.

To—The President, Mysore City Municipality.
" President, Bangalore City Municipality.

1894.

GOVERNMENT OF MYSORE.

LOCAL BOARDS BRANCH—MUNICIPAL

PROCEEDINGS

Dated Camp Mysore, 12*th June* 1894

Camp No A
L F 266-92

Prohibiting the extension of the existing buildings towards the public street in the Yelwal Road, Mysore City Municipality.

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